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DHC
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

JOE D. BROWN

SERIAL NO.: 10/680,426

FILED: October 8, 2003

FOR: APPARATUS AND METHOD FOR CAUSING
DEFLECTION OF A SURGICAL INSTRUMENT

GROUP ART UNIT: 3735

EXAMINER: A. Farah

ATTY. REFERENCE: BROW3007/BEU

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

<input type="checkbox"/> Declaration	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Priority Document	<input checked="" type="checkbox"/> Check - \$770 (petition fee to revive application)
<input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Application Data Sheet
	<input checked="" type="checkbox"/> Renewed Petition under 37 C.F.R. § 1.181(a)

Please debit or credit Deposit Account Number 02-0200 for any deficiency or surplus in connection with this communication. A duplicate copy of this sheet is provided for use by the Deposit Account Branch.

Small Entity Status is claimed.

23364

Customer Number

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DATE: February 14, 2008

Respectfully submitted,



Benjamin E. Urcia
Attorney for Applicant
Registration Number: 33,805



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:) **Group Art Unit: 3735**
Joe D. BROWN) **Examiner: A. Farah**
Serial Number: 10/680,426) **Attorney Docket: BROW3007/BEU**
Filed: October 8, 2003) **Confirmation No.: 4189**

For: Apparatus And Method For Causing Deflection Of A Surgical Instrument

RENEWED PETITION UNDER 37 C.F.R. §1.181(a)

Honorable Commissioner For Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Reconsideration of the holding of abandonment is respectfully requested on the grounds that a complete reply to the requirement of formal drawings was timely submitted on **May 24, 2006**. A stamped receipt card showing receipt of the drawings and a copy of the drawings were submitted with the original petition on October 9, 2007.

Since the Notice of Allowance set a due date of **July 11, 2007** for submission of the drawings, and since the compliant drawings were actually submitted on **May 24, 2006**, it is respectfully submitted that Applicant did in fact comply with the requirement set forth in the Notice of Allowance.

Since compliant formal drawings were submitted **before** the due date of July 11, 2007, making the submission timely, it is respectfully submitted that the requirement for formal drawings was met and the application should not have been held abandoned.

In accordance with MPEP §711.03(c)(1), no fee is required for the filing of this Petition.

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ALTERNATIVE PETITION FOR REVIVAL UNDER 37 CFR §1.137(b)

Should the renewed petition under 37 CFR 1.181 be dismissed, Applicant petitions for revival of the application under 37 CFR §1.137(b) on grounds of unintentional abandonment.

The abandonment of the application for failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional.

The required reply, in the form of formal drawings, has been twice submitted, on May 24, 2006 and again on October 9, 2007. The required fee for this petition under 37 CFR §1.16(a), is attached.

Respectfully submitted,
BACON & THOMAS, PLLC



Date: February 13, 2008

By: BENJAMIN E. URCIA
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